
Environment & Energy Committee

HB 2113

Brief Description: Codifying the Spokane river regional toxics task force.

Sponsors: Representatives Riccelli, Ormsby, Fitzgibbon, McCaslin and Volz.

Brief Summary of Bill

- Establishes in statute the Spokane Regional Toxics Task Force to develop and oversee implementation of a plan to bring the Spokane River into compliance with water quality standards for certain toxic substances.

Hearing Date: 3/26/19

Staff: Jacob Lipson (786-7196).

Background:

Under the Clean Water Act, the National Pollutant Discharge Elimination System (NPDES) regulates point sources that discharge pollutants into United States waters. The Department of Ecology (Ecology) is authorized to administer the NPDES regulations, and approve permits covering discharges to any state waters for which the Environmental Protection Agency has approved a total maximum daily load. Under this permit, dischargers may be required to meet certain conditions.

In 2004 Ecology listed the Spokane river as impaired for toxics on the basis of levels of Polychlorinated Biphenyls (PCBs) and dioxins in the river. In 2011, as a condition of NPDES permits issued for discharges to the Spokane River, NPDES permit holders began being required to form and participate in a regional toxics task force (Spokane River Regional Toxics Task Force or Task Force), with the goal of developing a comprehensive plan to bring the Spokane River into compliance with applicable water quality standards. The NPDES permits state that if Ecology determines that the Task Force is failing to make measurable progress towards meeting PCB water quality criteria, Ecology would proceed with developing a total maximum daily load for the Spokane River or determine an alternative method of achieving water quality standards.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

In 2012 Ecology, Tribal governments, and NPDES permit holders in Washington and Idaho (including both local governments and private entities) signed a memorandum of agreement to establish the Task Force. Currently, there are 13 voting member signatories to the memorandum participating on the Task Force, plus additional advisory members and interested parties that participate in the Task Force. The Task Force has adopted operating guidelines pertaining to the governance of the Task Force, and has adopted a comprehensive plan to address water quality in the Spokane River.

Summary of Bill:

The Task Force is established to develop and oversee implementation of a comprehensive plan to bring the Spokane River into compliance with water quality standards for PCBs and dioxins.

The Task Force has the following responsibilities:

- identify data gaps, collect necessary data, and analyze data on PCBs and dioxins in the Spokane River;
- prepare recommendations to address PCBs and dioxins;
- review plans and best management practices to address PCBs and dioxins; and
- monitor the effectiveness of toxic reduction measures.

The Task Force has a voting membership that consists of one representative from each entity issued a NPDES permit for the Spokane River that requires participation in a task force, and each organization that had signed a memorandum to participate in a task force with a similar mission as of January 1, 2019. The Department of Ecology must extend invitations to participate as nonvoting members to the Spokane Tribe and the Coeur D'Alene Tribe. Other nonvoting members on the task force are named, including Ecology, the United States Environmental Protection Agency, and other government entities.

The Task Force is directed to elect a chair and adopt rules for conducting business. The Task Force meetings are open to the public. The Task Force must strive for unanimity in making decisions. Unspecified sources of public or private funding must pay for the expenses of the Task Force. Task Force members are not state employees and are not entitled to be reimbursed for participation expenses.

The authority of Ecology to develop a total maximum daily load for the Spokane River is not limited by the establishment of the Task Force. The codification of the Task Force expires in 2029.

Appropriation: None.

Fiscal Note: Requested on March 20, 2019.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.